

Minutes of the Planning Commission meeting held on Thursday, January 7, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jeff Evans, Chair
 Jim Harland, Vice-Chair
 Tim Taylor
 Karen Daniels
 Sheri Van Bibber
 Ray Christensen, Senior Planner
 Tim Tingey, Community & Economic Development Director
 G.L. Critchfield
 Citizens

Excused: Kurtis Aoki
 Ray Black

Mr. Evans opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes as written from December 17, 2009. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for a Conditional Use Permit for both Fire Engineering and Sego Lilly School. Seconded by Jim Harland.

A voice vote was made. The motion passed unanimously, 5-0.

UTAH TRANSIT AUTHORITY/FRONTURNNER PROJECT – 149 & 151 West Vine Street Project 10-01

John Cluff was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit amendment for changes to a previously approved Park and Ride Lot associated with the Front Runner passenger rail terminal for the property addressed 149 & 151 West Vine Street located within the M-G (manufacturing general) zoning district on approximately 5 acres. Municipal Code Ordinance 17.152.030 allows for railroad passenger terminals within the M-G-C zoning district subject to Conditional Use Permit approval. Section 17.25.060 A.2.b.(2) requires that development within the SSOD (Smelter Site Overlay District) receive preliminary and final approval through the Planning Commission. The proposed amendment primarily consists of replacement to a portion of the parking lot with a plaza connecting the commuter rail platform with the light-rail platform. The proposal also includes a revision to the location of the proposed driveway access to the site. The proposed plaza

will include landscaping and pergola areas, as well as a possible future kiosk area where sales of things such as coffee, newspapers, or other similar convenience items could potentially take place. The parking, landscaping, access, circulation and the land use ordinance standards have been reviewed by the planning staff and feel this is important to the community. Based on the information presented, application materials, submitted and the site review the staff recommends approval subject to conditions.

Tim Taylor asked about the single access point specifically regarding fire safety. Tim Tingey responded that the fire department has reviewed this proposal and are comfortable with the site plan.

John Cluff, representing UTA at 669 West 200 South, Salt Lake City. Mr. Cluff indicated he is the Deputy Project Manager for the Front Runner project. He stated he has reviewed the staff report and has no concerns regarding the conditions. He stated this proposal will provide amenities for the riders.

Jeff Evans asked about the projected time line. John Cluff responded they are currently conducting a pilot program at the Salt Lake City station and this would be a follow up to that program.

Ryan McFarland, representing UTA at 669 West 200 South, stated the pilot program was established at the Salt Lake City station as well as Sandy City station where there is a kiosk that persons can purchase various items such as snacks, drinks and transit passes. In the window there will be a clock that displays the departure times of the next train and general information. This will also be a location where people can pick up Red Box dvd's. The kiosk at the Front Runner station will be a permanent building with footing and foundation and will have water, sewer and electricity and will have concessions. It was indicated that this is the only other location besides the downtown station where the Front Runner and Light Rail come together.

No comments were made by the public. Jeff Evans asked for a motion or additional discussion.

Jim Harland made a motion to grant an amendment to the Conditional Use Permit amendment for the Park & Ride Lot for the UTA Front Runner Passenger Rail Terminal located at 149 & 151 West Vine Street subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall comply with attachment A, B and C of the SSOD development permit.
3. The future kiosk/pergola shall be indicated on the site plan and will require a building permit with stamped and sealed plans by appropriate design professionals.
4. Meet all Murray Fire Department requirements.
5. A formal landscaping plan meeting the requirements of Chapter 17.68 of

the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.

6. A drainage plan and Storm Water Pollution Prevention (SWPP) plan will be required and shall be approved by the Murray City Engineering Division.
7. Combine the existing parcels and provide a copy of the new recorded legal description to the Murray Community and Economic Development Department.
8. The trash container shall be screened as required by Section 17.76.170.
9. The project shall meet all Murray City Water and Sewer Dept regulations.
10. Meet all requirements of the Murray Power Department.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

MAX & SUSAN REESE – 977 East 5600 South & 5576 South Revere Circle – Project #10-101

Tim Tingey stated that the Reese's have requested a postponement of this item to the February 4th Planning Commission meeting. This request is a result of the applicants receiving a copy of the staff report requiring a number of requirements for approval. The applicants wish to review the requirements for feasibility and therefore have requested a continuation until the February 4, 2010 Planning Commission meeting. The applicants may need to modify their application. The staff is recommending a continuation to February 4, 2010. He stated notices will not be resent if the commission votes to continue this item.

Jeff Evans asked if there is anyone present in the audience who has come to hear his agenda item.

Ralph Reese, complainant against the Max Reese property, indicated that he would be willing to attend the meeting on February 4, 2010. He indicated that numerous requests could be made for this property such as variances, etc. Tim Tingey responded that the staff report is available for review if Max Reese or anyone wishes to review. The issues associated with this application are outlined in the staff report.

Tim Taylor made a motion to postpone this Conditional Use Permit agenda item for Max & Susan Reese, to the Planning Commission meeting on February 4, 2010, at 6:30 p.m. Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

UTAH SOCCER ARENA/MASTAFSA SAMERIC – 4284 South Commerce Drive, Project #10-103

Mastafa Sameric was the applicant present to represent this request. Tim Tingey reviewed the location and request for Conditional Use Permit approval for an indoor soccer and potentially to include basketball and tennis uses for the property addressed 4284 South Commerce Drive. Municipal Code Ordinance 17.152.030 allows for sports activities uses within the M-G-C zoning district subject to Conditional Use Permit approval. The ordinance requires one space for every four seats for sports assembly uses. The applicant has indicated a total of 288 seats requiring a total of 72 parking spaces. The site plan shows a total of 151 parking spaces which exceeds the requirement. However, provision of required landscape will reduce the total number of parking spaces shown on the site plan. A portion of the property does not currently meet the landscaping requirements of the ordinance. The ordinance requires that landscaping and other development standards be brought into compliance at the time of approval of a conditional use permit. The plan will need to be revised to show a 10 foot wide landscape area long the entire frontage of the property on 300 West. The ordinance also requires 5 feet of landscaping where parking abuts a property line. A portion of the south property line does not appear to meet this standard and landscaping will need to be installed in conjunction with the approval of this use. Based on the information presented in this report, application materials submitted and the site review, the staff recommends approval subject to conditions.

Tim Taylor asked about the estimated number of patrons for this facility and the opportunity to have international competitions with 500-600 persons attending. Mr. Tingey responded the number of seats would not accommodate that type of an event and that is not anticipated to occur.

Mastafa Sameric, 594 North Redwood Road, Salt Lake City, stated he has reviewed the staff report and will meet the conditions. He stated he has an architect working on the plans and the owner of the property is willing to work with him regarding the improvements to obtain an occupancy permit. Mr. Sameric explained that he does not anticipate more than 50-100 occupants for most of the tournaments and leagues,

however, they are planning to build bleachers for about 280 occupants which is all the available space.

Karen Daniels asked the anticipated time line for this project. Mastafa Sameric responded he is desirous to complete the project as soon as possible and this is an indoor facility.

Jim Harland asked about the Health Spa shown on the site plan. Mastafa Sameric responded that the health spa is currently vacant as well as the building to the rear and both of those are not part of this application.

Sheri Van Bibber asked the hours of operation. Mr. Sameric responded he anticipates most all day, with the heaviest hours being 6 p.m. to midnight.

No comments were made by the public. Jeff Evans closed the public portion for this item.

Sheri Van Bibber made a motion to grant Conditional Use Permit for Utah Soccer Arena at 4284 South Commerce Drive subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. Provide stamped and sealed plans by appropriate design professionals including code analysis. Areas of the building which have been completed without the benefit of a permit will need to be exposed so an inspection can be completed.
3. The project shall meet all current fire codes.
4. Provide a drainage plan for review and approval by the City Engineer.
5. A formal drainage landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. The plan shall show the following:
 - (a) The 5 foot area surrounding the parking lot meet the requirements of the Code and/or previous approvals for the property.
 - (b) a 10 foot wide landscaping area meet the standards of the ordinance along the entire frontage of Commerce Drive.
6. Revise the parking on the site plan to reflect changes required as a result of landscaping requirements. Parking spaces shall be revised to reflect the minimum dimension of 9 feet by 18 feet.
7. Parking and landscaping shall be provided in accordance with the approved plan prior to occupancy, or a deferral agreement shall be provided along with required security.

8. Show the number of disabled person parking spaces. The number of spaces on the plan (151) requires a total of 5 disabled person parking spaces.
9. The trash container shall be screened as required by Section 17.76.170.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

CABINET INNOVATIONS – 325 West 4800 South – Project #10-105

Scott Burton was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for case millwork and cabinet manufacturing for the property addressed 325 West 4800 South on 1.25 acres. Municipal Code Ordinance 17.152.030 allows case millwork and cabinet manufacturing within the M-G-C zoning district subject to Conditional Use Permit approval. The building was previously used for cabinet making many years ago, but has more recently been used for manufacturing mugs and ceramics. There is approximately 1,000 sq.ft. office space located in the south west part of the building and approximately 12,568 sq.ft. of shop and storage space located in the south and north portions of the building. The site plan shows 13 parking stalls, but the 2 parking stalls on the west side of the drive aisle do not meet the required aisle width separation and will need to be removed. The site plan will need to be revised and additional parking stalls provided. The site will require 20 parking stalls including one disabled stall to meet the parking and ADA regulations which will need to be paved and striped. Additional parking stalls could be striped at the north side of the building on the paved area. Base on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

No comments were made by the public. No comments were made from the planning commission.

Tim Taylor made a motion to grant Conditional Use Permit approval for Cabinet Innovations at 325 West 4800 South subject to the following conditions:

1. The project shall meet all applicable building code standards and permits. Provide stamped and sealed plans by appropriate design professionals addressing the existing construction built without a permit. Also provide plans for the improvements needed for the cabinet shop to include building, electrical, mechanical, plumbing, and dust collection system.

2. The project shall meet all current fire codes including requirements for the woodworking shop and spray booth.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal code shall be submitted and approved by the Murray City Forester and be installed as approved prior to occupancy.
4. Trash container use shall be screened as required by Section 17.76.170.
5. A revised site plan is required to show 20 paved and striped parking stalls including one disabled stall to meet ADA regulations.
6. Meet the Murray Water and Sewer and Power Department requirements.
7. Meet the requirements of the City Engineer for drainage on the site.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

WHISTLE STOP – 223 West Winchester Street – Project #10-106

The applicant was not present to represent this request. Ray Christensen reviewed the location and request for a temporary Conditional Use Permit for a shaved ice/coffee sales stand on the property addressed 223 West Winchester Street. Municipal Code 17.140.030 allows food/drinks sales facilities within the R-N-B zoning district with Conditional Use Permit approval. The applicant is requesting a six-month extension due to the time limitation for completion of the site improvements with regard to the specific conditions of the original 6 month approval from June 18, 2009. The owner has requested a extension due to construction factors and site improvements the applicant was delayed on opening the business and is requesting a 6 month time extension with future plans for a permanent business and completion of the site improvements. There is an existing dwelling on the property which will continue as a residential use. The plans show 4 off-street parking stalls which includes one disabled stall to meet ADA requirements. The ordinance does not have a minimum parking requirement for a shaved ice/coffee stand. The plans show the structure is setback 20 feet from the north and the east street frontages to meet zoning regulations. The plans show turf grass landscaping and a formal landscaping/sprinkler plan which was approved by the City Forester to meet landscaping regulations. Installation of the solid masonry wall has not been done and may necessitate an extension in order for the wall to be installed during

the summer months. Based on the information presented, application materials submitted and the site review, staff recommends approval of the temporary Conditional Use Permit subject to conditions.

Marty Springer, 6456 Travis James Lane, commented that he is in favor of the extension to allow Mr. Green time to install the site improvements and the site is in need of the improvements. Mr. Springer expressed concern about the irregular hours of operation and vehicular access off Winchester Street creating traffic issues and the patrons are not using the sites parking lot. He commented that the parking lot and sidewalks have not been snow plowed during the past few winter months. He asked if there could be some type of a barrier installed between the shaved ice structure and the home and that it is an eye sore. He asked if the curb could be painted red for "no parking" along Travis James Lane. He stated due to the light rail station in such close proximity it is vital that there be adequate emergency vehicle access in this area.

Kris Springer, 6456 South Travis James Lane, expressed concern about their property values going down because Mr. Green does not keep his property maintained and improved. She stated that the lawns did not get mowed this past summer and the snow is not plowed from the parking lot and sidewalks, and the potential liability in the case of an accident of someone slipping and falling. She commented that she would not purchase coffee from this business because of the lack of maintenance of the site and this site is an eye sore. She stated the hours of operation have been irregular and is a reflection on the business. She asked that the request for an extension of the temporary conditional use permit be denied.

Sheri Van Bibber asked if the hours of operation for the business are posted. Mr. Springer responded that she has not seen a posting of the hours of operation.

Jeff Evans asked about the issues expressed by the Springers such as the lack of snow removal, the buffer wall requirement, and parking issues on Travis James Lane. Tim Tingey responded that snow removal on the sidewalk and parking lot area is an enforcement issue and now that the planning department has been made aware of this issue, the enforcement of such will be addressed. Mr. Tingey stated the buffer wall along the south boundary is a requirement of a Conditional Use Permit and Mr. Green has requesting an extension of a temporary conditional use permit is a result of the time necessary to get the site improvements done which is difficult during the winter months and Mr. Green is desirous to see if the business will be successful before investing large amounts of money into the property. Mr. Tingey stated that this extension of a temporary conditional use permit would allow Mr. Green an additional six months, but once a permanent conditional use permit is approved, those requirements would need to be completed. Mr. Tingey stated the traffic issues would need to be addressed by the Traffic Safety Committee.

Jeff Evans asked why Mr. Green is not present at this meeting but that he must have been concerned enough about the business that he applied for the extension of the temporary conditional use permit. Ray Christensen responded that Mr. Green had been ill and may be the reason he is not here tonight.

Jim Harland asked about the parking for the business. Tim Tingey responded that parking is to the south of the kiosk and is paved, and the drive access is to the south.

Jeff Evans suggested that the Traffic Safety Committee be contacted regarding the parking concerns. He stated that the applicant would need to apply for a permanent CUP once the temporary CUP has lapsed and all associated site improvements must be completed.

Tim Tingey stated if this extension is denied, Mr. Green would not be able to use the property unless a permanent Conditional Use Permit application is submitted and approved. At that point, if the CUP is approved, the conditions would then be required to be installed. Regarding weather, there are situations wherein site improvements can be deferred by way of a security agreement during the winter months.

Tim Taylor asked if Mr. Green has applied for a variance at this time. Ray Christensen responded that Mr. Green has not applied for a variance at this time, but may possibly request a variance regarding the masonry buffer wall.

Jim Harland asked about regulating the health and cleanliness issues expressed by Ms. Springer. Mr. Tingey responded that the health and cleanliness issues are regulated by Salt Lake County Health Department and is part of the business licensing process.

Marty Springer stated that verification of insurance is also an issue for the residents because of potential liability with the property. He stated that he would like to see Mr. Green make this business a success. He stated that he has made phone calls to the zoning enforcement division regarding issues for this property and those issues are constant and ongoing.

Jeff Evans closed the public comment for this agenda item and asked for a motion or discussion.

Karen Daniels made a motion to grant a 6 month time extension for a temporary Conditional Use Permit for the Whistle Stop at 223 West Winchester Street subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Meet the landscaping ordinance requirements of Chapter 17.68 of the Murray Municipal Code as approved by the Murray City Forester.
4. Use of a trash container shall be screened as required by Section 17.76.170.
5. The applicant will need to obtain approval from the Planning Commission for a permanent business use by the expiration of the 6 month time extension by July 7, 2010.
6. The City Engineer will require repair of any trip hazards or damaged curb

and gutter if not completed.

7. The buffer wall at the south boundary will need to be installed in conjunction with approval of a C.U.P. for permanent use by the Murray Planning Commission.

Seconded by Jim Harland.

Call vote recorded by Ray Christensen.

A__ Karen Daniels
A__ Sheri Van Bibber
N__ Jim Harland
A__ Jeff Evans
N__ Tim Taylor

Motion passed, 3-2. Mr. Evans commented that the Springers may wish to contact the Traffic Safety Committee regarding the traffic issues along with code enforcement.

THE HALE COMPANY – 480 West 4800 South – Project #10-107

Jeff Hale and Carl Oldham were present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for a crane storage yard. Municipal Code Ordinance Section 17.152.030 allows contract construction service uses within the M-G-C zoning district subject to conditional use permit approval. The applicant originally started use of the property without approval of the required permits. The Planning Commission approved a Conditional Use Permit (#09-30) allowing a crane storage use within the M-G-C zone on May 21, 2009, requiring several conditions of approval related to improvements to the lot. A condition of approval for the use requires completion of the improvements by August 21, 2009. This condition was recommended by staff as a compromise in order to obtain compliance with the zoning ordinance while allowing the applicant to continue storage of equipment on site. The required conditions were not completed and the Conditional Use Permit was revoked by the planning commission on October 1, 2009 and thus required that all that equipment must be removed from the site prior to reapplication of a CUP. The applicant has reapplied at this time and the equipment has been removed from the site. The proposal includes construction of a parking lot area adjacent to the building. The original application included an office use which is not part of this proposal. The residential dwelling will be continued to be used as a residence. The applicant has proposed a total of nine parking spaces with six stalls for the employees and two stalls are for the residence. Tandem parking is not allowed and the tandem stalls will need to be removed. There is not a specific ratio of parking for the crane storage business. No customers visit the site or are anticipated on the site. The code does not specifically require pavement of areas used for storage of construction equipment. Gravel may be appropriate for storage area in order to avoid damage to pavement provided storm water drainage can be kept from running onto adjoining properties. One concern of the staff and complaints from neighbors is regarding the storage of the cranes being stored in an upright position. In order to mitigate visual and safety concerns, a condition has been required that the cranes be stored on site with booms fully down and retracted or disassembled as

necessary. Based on the information presented, application materials submitted, and site review, staff recommends approval of this application subject to conditions.

Tim Taylor asked for clarification regarding the six-foot high fence. Tim Tingey responded the six-foot solid fence is required around any areas of on the site used for storage area.

Jeff Hale, 5056 Morning Dew Drive, Murray, stated if he removes the three tandem parking stalls on the west side he will still be in compliance with the parking requirements. He stated most of the conditions have been met and he will complete the remaining requirements as soon as possible. Tim Tingey responded that all the conditions must be completed prior to issuance of business license and a deferral agreement may be necessary for the improvements that are weather related.

No comments were made by the public.

Karen Daniels made a motion to grant Conditional Use Permit approval for The Hale Company at 480 West 4800 South subject to the following conditions:

1. The project shall meet all applicable building code standards. Note: any change of use within the existing residence shall require additional review for compliance with building code standards.
2. The project shall meet all current fire codes.
3. Revise the plan to show removal of the tandem parking spaces, or access to the spaces from an additional paved driveway on the west side of the property.
4. Revise the plan to show removal of the gate shown along 4800 South.
5. Any trip hazards in the sidewalk will have to be repaired.
6. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to business license approval. Landscape plans shall include irrigation plans for approval.
7. If the residence changes to a commercial use, the water service shall be upgraded to minimum City specifications from the main to the meter. Appropriate permits shall be obtained for the upgrade.
8. Any trash container shall be screened as required by Section 17.76.170.
9. Cranes shall be stored on site with booms fully lowered and retracted.
10. A six-foot high solid fence shall be required around the crane storage area.
11. All conditions shall be completed prior to business license approval or complete a deferral agreement and provide security in accordance with ordinance

standards.

Seconded by Tim Taylor.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

UTAH POWER CREDIT UNION - 957 East 6600 South – Project #09-98

Rob Bowhuis was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a new credit union building, and preliminary and final subdivision plat amendment for the property addressed 957 East 6600 South. Municipal Code Ordinance 17.144.040 allows a new credit union building within the G-O zoning district subject to Conditional Use Permit approval. Municipal Code Ordinance 16.04.050 requires subdivision approval by the Murray City Officials with recommendation from the Planning Commission. This property has a right-of-way access and utility easement adjacent to the medical rehabilitation business to the east. The subdivision proposal would join the right-of-way with the larger parcel making one parcel. The site plan shows 8,413 sq.ft. on the main floor and 9,700 sq.ft. on the second level with approximately 15,000 total sq.ft. The parking required for this proposal is 61 parking stalls and three disabled parking stalls. With the adjustments to the amended subdivision plat, the building will meet the setback requirements. A landscaping plan is required and must be approved and installed as approved prior to occupancy or obtain a deferral agreement. The Building Official will require a soils report relating to a building permit.

Jim Harland asked if there is an agreement for the shared entrance road. Ray Christensen responded there is a recorded easement that gives them right as a permanent use for the property.

Rob Bowhuis, 2150 South 1300 East, Suite 200, stated he is with Architectural Nexus who is representing the property owner. Mr. Bowhuis stated there is an agreement for the access for the other property. He stated they have reviewed the staff recommendations and will comply with the conditions.

Jim Harland asked the anticipated time frame for construction. Mr. Bowhuis responded they anticipate March or April to begin construction and be completed by October 2010.

No comments were made by the public.

Sheri Van Bibber made a motion to grant Conditional Use Permit approval for Utah Power Credit Union at 957 East 6600 South subject to the following conditions:

1. The amended subdivision plat will need to be recorded for the change of property boundaries to include the right-of-way at the east side of the property and change to the utility easements to clear the building prior to application for a building permit.
2. The project shall meet all applicable building code standards. The Building Official noted the applicant will need to provide a soils report from a geo-technical engineer at the time of submittal or a permit. Provide plans stamped and sealed by appropriate design professionals to include code analysis on the cover sheet.
3. The project shall meet all current fire codes, water and sewer and power division requirements.
4. A formal landscaping/sprinkler system plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
5. The trash container shall be screened as required by Section 17.76.170.
6. All of the parking stalls shall be paved and striped to meet zoning and ADA regulations for the proposed use.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

UTAH POWER CREDIT UNION – 957 East 6600 South – Project #10-102

Rob Bowhuis was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for preliminary and final subdivision plat amendment for the property addressed 957 East 6600 South. Municipal Code Ordinance 16.04.050 requires subdivision approval by the Murray City Officials with recommendation from the Planning Commission. This property has a right-of-way access and utility easement adjacent to the medical rehabilitation business to the east. The subdivision proposal would join the right-of-way with the larger parcel making one parcel. With the adjustments to the amended subdivision plat, the building will meet the setback requirements. A landscaping plan is required and must be approved and

installed as approved prior to occupancy or obtain a deferral agreement. The Building Official will require a soils report relating to a building permit.

Rob Bowhuis, 2150 South 1300 East, Suite 200, stated he is with Architectural Nexus who is representing the property owner. Mr. Bowhuis stated there is an agreement for the access for the other property. He stated they have reviewed the staff recommendations and will comply with the conditions.

No comments were made by the public.

Karen Daniels made a motion to grant preliminary and final subdivision plat approval for Utah Power Credit Union for the property located at 957 East 6600 South subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorders Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance and city department requirements.
3. The new building project shall meet all applicable building code standards.
4. The project shall meet all Power, Fire, Water and Sewer Department requirements.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A__ Karen Daniels
A__ Sheri Van Bibber
A__ Jim Harland
A__ Jeff Evans
A__ Tim Taylor

Motion passed, 5-0.

DISCOVERY COVE P.U.D. – 997 East Vine Street – Project #10-104

Chris Gamvroulas was the applicant present to represent this request. Ray Christensen reviewed the location and request of Ivory Homes is for amendments to the Discovery Cove Planned Unit Development for Lots 1,3,4,6-12, 14-24 for the planned unit development. This proposal is due to change of ownership for the lots which was originally approved for Freiss Development on December 7, 2006. Municipal Code Ordinance 17.100.030 allows a planned unit development within the R-1-8 zoning district subject to conditional use permit approval. Ivory Homes is proposing a change in architectural styles for the homes and lot #18 which is the common area lot, was originally approved as a tennis court. Ivory Homes is proposing to have the common area lot (#18) to be a basketball court with a playground area and feel a basketball court

will be more utilized than a tennis court. Landscaping plans will need to be approved for the lots. The approved setbacks for the lots are: front yard setback – 20 feet; rear yard setback – 15 feet; side yard setback – 8 feet; corner lot side yard – 20 feet. These approved setbacks will need to be maintained with this development. Based on the information presented, application materials, the site review, and original conditions of approval, staff recommends approval subject to conditions.

Jim Harland clarified that the changes mainly represent architectural design and construction specifications and not any lot size changes. Mr. Christensen concurred.

Chris Gamvroulas, 978 East Woodoak Lane, indicated he is representing Ivory Development. Mr. Gamvroulas stated there has been a change in ownership of the lots and the new owners are desirous to have different house plans for the lots. Mr. Gamvroulas presented the commission members copies of the proposed house plans. He stated that they cannot build the previous house plans since they are proprietary but they wish to build homes with a similar theme and will maintain continuity with a variety. He stated that lot #18 is actually owned by a bank and they have negotiated with the bank to acquire the lot and it will be deeded into the homeowners association. He stated that the previously proposed tennis court was too big for the lot and a typical tennis court is 60 X 120 and should be oriented north to south and lot #18 will not accommodate a tennis court. He stated a nice sized basketball court will be much better utilized. He stated that they have no plans to light the basketball court or the playground area and therefore lighting should not have an impact onto adjacent neighbors. He stated over the years of building these types of facilities they have determined that lighting these types of amenities is unnecessary.

Sheri Van Bibber asked the anticipated time frame for construction. Mr. Gamvroulas responded as soon as possible and they are aggressively moving forward with the plans. He stated this is an ideal location and project.

Karen Daniels asked Mr. Gamvroulas if they will meet the setbacks and if the lots will remain the same. Mr. Gamvroulas responded that the lot sizes are not changing and they will meet the required setbacks.

Robert Richmond, property owner to the east of the common area, stated that he would like assurance that the irrigation ditch is maintained and that he utilizes that water and control gate. If the development is fenced, a gate would need to be provided in order for him to access the control gate as he has done the past 30 years. He stated that a basketball court has much more potential for problems than a tennis court. He expressed concern that a basketball court will generate more people than a tennis court which typically has only 4 people per time and will bring more people who may not be part of the homeowners association or who live in this subdivision. He stated that he is opposed to the basketball court and asked that the tennis court remain. He requested that there be no lighting for the court and playground area. He stated that the court and playground is intended for homeowners only and is more difficult to control with a basketball court as opposed to a tennis court and there will be more trash from a basketball court than tennis court. He stated he has had experience managing homeowners associations and his experience is that despite the best intents of developers, the common areas of projects are a marketing tool and once the developer

is gone the residents live with the results. He stated the original development required the entire project to be fenced which to date has not been installed. He asked that if the basketball court is approved that it be fenced entirely with an access gate.

Joan Fisher, 1037 East Belle Meadows Way, stated she resides to the east of lot #19. Ms. Fisher expressed concern about the basketball court. She questioned whether the property has recently been maintained and that she has noticed trash and hypodermic needles on the property and there was also a trailer that caught fire last week and fire safety is a concern with the many trees that are on the property.

Don Goettsche, 1055 East Belle Meadows Way, concurred with the previous concerns expressed regarding installation of the basketball court rather than the tennis court and specifically the noise level. He stated this lot is a fire hazard and a lot of bad things have happened on the property and is relieved that the property is being taken over and will be developed. He stated that his property has been flooded on two occasions as a result of the development occurring. He stated the irrigation system has not been completed and the grading has been an issue with flooding. He stated that 4-5 trees were blown over onto his property line from a storm last year and is a fire hazard.

Terry Frank, 5901 South Ragsdale Drive, stated he is the only resident in Discovery Cove. He stated he would like assurance that the integrity of the project is upheld. He stated he is pleased with this proposal of Ivory Homes.

Michael Johnson, President of FCS Community Management, 12159 Business Park Drive, Draper, stated he was hired by Wright Homes to manage the homeowners association at inception of the project approximately 18 months ago. He stated they are thankful that Ivory Homes has taken over this property. He stated they are the largest HOA management company in the state and Ivory Development is one of the developers still around. He stated that Mr. Frank has been the only homeowner paying assessments and Wright Homes has not been able to pay the assessments on the two homes they have built because of their financial situation. He stated they manage about 3 dozen tennis court communities and 125 basketball court communities state wide. He stated that tennis courts are great for a very few number of people and are expensive to maintain and the homeowners associations generally decide not to maintain them and over time the tennis courts become overgrown by weeds and basketball courts are easier and less expensive to maintain. He stated the homeowners will be able to make their own rules and regulations once the developer is gone in regards to hours of use, type of uses, and number of guests, etc. and if those rules are not followed they may be subject to fines and assessments and that any non-guests are considered trespassing.

Dave Freiss, Freiss Development, 10577 South Redwood Road, South Jordan, stated that he is excited that Ivory Development has purchased the remaining lots and will complete the project. He stated that he will be selling his lots to Ivory Development and is currently under contract to sell the lots. He stated the adjustments that Ivory Development has requested are appropriate. He stated the basketball court is probably a better use of the lot than a tennis court because of the size.

Chris Gamvrovlas stated that they are not adamant about having a basketball court, but they feel a tennis court is definitely inappropriate. He stated if they built a tennis court on

an angle it will not be used because it is too small and is not oriented in the right direction with the sun. He stated if the tennis court is installed, a year from now FCS Management will get a petition from homeowners wanting them to pay to install basketball standards and the result of that is the lot would then have 80% concrete and less landscaping rather than the proposed 30% concrete with much more landscaping. He stated the basketball court and playground tot lot is the best proposal for the common area. He stated that they are willing to eliminate the basketball court and have just a playground tot lot and more landscaping. He stated that he was unaware of the elevation and irrigation ditch issues as previously indicated. He stated that the city has accepted the improvements on the property thus far and the warranty period has expired. He stated that they wish to be good neighbors and they will meet with the neighbors regarding the irrigation ditch issues and they will ensure Mr. Richmond has access to the irrigation gate and are obligated to do so.

Jim Harland asked the time frame for installation of the fence. Mr. Gamvroulas responded that they do not plan to install any additional fencing and the fencing is complete per the P.U.D. conditions. He stated any additional fencing will be done by the individual owners.

(Subsequent comment written by Ray Christensen: A review of the Discovery Cove P.U.D. file indicates that the planning commission approved and requires a Trex type fencing with stone columns around the project to be installed by the developer as per the Planning Commission approval and Board of Adjustment approval, Case #1295, on November 13, 2006.)

Jeff Evans asked the typical time line regarding the open space improvements. Chris Gamvroulas responded they will install the open space area this summer and make the development attractive and will bring potential buyers and is the right thing to do. He stated there are no time requirements for installation of the open space. He stated that if a basketball court is installed, the homeowners could petition the management company to change the basketball court if desired. He stated that the homeowners of lots #17 and #19 will be the people who naturally police the open space area. He stated that they do not wish the amenities to be a nuisance and the tennis court or basketball court could be removed and replaced with grass. He stated the tennis court should not be installed and is not appropriate and that either a basketball court be installed or have grass.

Jim Harland expressed concern with the adjacent lot having a 15 foot rear yard setback from lot #18 and the garage is actually 3 feet from the property line. Chris Gamvroulas responded that the homeowners association will build a fence along lot #18 and will be closed off. The remaining fencing will be done by the individual property owners. He stated that tennis courts are expensive to maintain and those who are dedicated tennis courts will typically play at a facility such as the Sports Mall.

Sheri Van Bibber commented that Murray City has approximately 7 parks and 2-3 tennis courts and the city struggled with the idea of installing the tennis courts and whether to re-cover the existing courts on 5300 South due to the associated costs.

Joan Fisher reiterated that Mr. Gamvroulas indicated that a fence would be installed along the east side of lot #18.

Jim Harland made a motion to grant an amendment to lots # 1,3,4,6-12,14-24 of the Discovery Cove P.U.D., 997 East Vine Street subject to the following conditions:

1. The Murray City Engineer noted the development improvements will need to be inspected to make sure they are functioning. The Storm Water Pollution Permit will need to be updated. Meet the Engineering Division requirements for grading and drainage.
2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes, Water and Sewer, and Power Department requirements.
4. A formal landscaping plan meet the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy of each of the lots.
5. Any irrigation ditches on the property that have not been piped will need to be piped to meet irrigation ditch company approval.
6. All fencing shall meet the fence code regulations and as approved by the Planning Commission on December 7, 2006, with the exception of the variance granted by the Board of Adjustment (Case #1295) regarding the fence height and location as approved at the November 13, 2006 meeting.
7. The minimum building setbacks from the property line to the new dwellings on the lot are:

Front yard setback –	20 feet
Rear yard setback -	15 feet
Side yard setback -	8 feet
Corner lot side yard setback -	20 feet

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans
A Tim Taylor

Motion passed, 5-0.

Mr. Evans stated that the basketball court has been approved.

OTHER BUSINESS

Planning Commission Meeting

January 7, 2010

Page 19

There was no other business.

Meeting adjourned.

Tim Tingey

Community & Economic Development Director